PRESERVED

App. F. IX-4

Previous References

1936.
(65)

File No. 165-6

Serial Nos.

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 162.

Part B for [illegible]

SUBJECT.

Inclusion of Sections 366-A and 366-B of the Indian Penal Code in the [illegible] Act 1903.

WD 0418—GPB—22,500—29-8-36

Merged in 1618/37.

(178)

General and Revenue Secretariat — File No. 165 of 1936. — [App. F. III—2

Serial No.	
1	New The Secretary to the Hon'ble the Finance F 271-37 (Misc) dt 16-2-37 Forwards copies of correspondence between the Hon'ble the Agent to the Governor-General Principal States and the Joint Secy to the Govt of India Foreign and Political Dept in regard to the inclusion of Sections 366-A and 366-B of the I.P.C in the Extradition Act 1903. If approved, copies of the above correspondence may be forwarded to the Dist. Magistrates and the I.G. of Prisons. and the S.P. of Police. Submitted with a draft 1) May be approved BKR (19.2.37) Chief Secy) 3) For perusal. 1st member) 4) (illegible) MS 19/2 BKR 22/2 hp 23.2 Issue copy of note

CHIEF SECRETARY'S OFFICE * 19 FEB 1937 * GOVT. OF MYSORE.

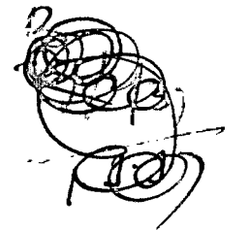
NOTE—Contn. Sheet.

WD 0417--GPB—30,000—8-9-36

File No. 165 of 1936

General and Revenue Secretariat

Serial No.



B S/4.

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17/2/37

THE OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,

Dated Bangalore, the 16th February 1937.

No 165-36-1

No. F.271-37
R.O. I

A copy of the undermentioned papers is forwarded with compliments to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, for information.

17.2

By order, etc.,

for SECRETARY TO ~~THE~~ RESIDENT.

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Letter from the Hon'ble the Agent to the Governor General, Punjab States, to the Political Secretary to the Government of India, Foreign and Political Department, No.2J-5356/J-3-245/35, dated the 22nd October 1936.

Letter from the Joint Secretary to the Government of India, Foreign and Political Department, to the Hon'ble the Agent to the Governor General, Punjab States No.F.3(9)-I.B/36, dated the 16th January 1937.

Encl. Dol/

Copy of a letter No.2J-5356/J-8-245/35, dated Lahore, the 22nd October 1936, from the Hon'ble the Agent to the Governor General, Punjab States, to the Political Secretary to the Government of India in the Foreign and Political Department, New Delhi.

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Extradition of the accused persons under Sections 365A and 366B of the Indian Penal Code.

I have the honour to state that a case has recently occurred in which a Darbar have requested the extradition of an accused person under Section 366-A I.P.C. The question has consequently arisen as to whether offences under sections 366-A and 366-B of the Indian Penal Code are extraditable. Prima facie they appear to be non-extraditable since offences under Sections 360-373 I.P.C. were made extraditable under the Indian Extradition Act in 1903, while Sections 366-A (Procuration of a minor girl) and 366-B I.P.C. (Importation of a girl from foreign country) were only introduced 20 years later i.e. in 1923, and the scope of the Indian Extradition Act was not specifically extended to them.

2. On the other hand it was found necessary to introduce these two sections in order to safeguard the public interest of morality and the latter Section (366-B) makes it an offence to import into British India from any State in India a girl under the age of 21. Accordingly if offences under these two sections were to remain non-extraditable, their object would be largely defeated since importers of young girls from Indian States could then ply their trade across a State border into British India and at the same time themselves remain immune from arrest by absconding into State territory when their arrest was sought in British India. It may be, however, that by placing these two sections in the centre of a block of extraditable sections, namely Sections 360-373 I.P.C. the implication of extraditability was intended and it was considered unnecessary to extend the Indian Extradition Act specifically to them.

3. In any case the Darbar concerned are pressing for the extradition of the accused in the case mentioned in paragraph 1, and

I agree that extradition is desirable not only on this particular count but for offences under Sections 366-A and B generally. I suggest the desirability of steps being taken, if necessary by the introduction of legislation, to make specifically the offences under these two sections extraditable.

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Letter from the Government of India in the Foreign and Political Department, to the Hon'ble the Agent to the Governor General, Punjab States, No.F.3(9)-I.B./36, dated the 16th January 1937.

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Extradition of the accused persons under Sections 366-A and 366-B of the Indian Penal Code.

I am directed to refer to your letter No.2J-5356/J-8-245/35, dated the 22nd October 1936, and to say that, although strictly speaking the offences created by sections 366A and 366B of the Indian Penal Code may not be "kidnapping" or "slavery" as known to law, the description is in general terms and may be read to cover the two offences in question. Moreover these offences are clearly included in the First Schedule to the Indian Extradition Act, 1903, by reference to the sections of the Indian Penal Code specified therein, since sections 366A and 366B unquestionably occur between sections 360 and 373. In the circumstances offences falling under sections 366A and 366B, which were inserted in the Indian Penal Code by Act XX of 1923, should be deemed to be included in the class of extradition offences described in the First Schedule to the Indian Extradition Act 1903.

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"C O P Y"

SUPERINTENDENT, RESIDENT'S OFFICE.

BJ

Appendix F G—1]

SUBJECT.....

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Section A

File No. 685-36

Serial No. 2

No. P5211—20.

Diary No. of letter replied to.....

To

O. M

[Please enter here the Contents of the P.W.D]

General and Revenue Secretariat

( )

the *193*

Date of issue 27.2.37

Signed by Sd/- BKR.

Copies of the above are forwarded with Compliments to the

Sg. of Police

Sg. of Prisons

~~Asst.~~ Magistrates of Trichy

for information and guidance

By Order

MS
19/2

BKR
19.2.37) Clerk of Secretary to Govt

List of enclosures.....

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35